



SB 9 HCS would have a minimal fiscal impact on local governments. The bill would create 1 new Class D felony, which could increase work load and personnel demands on local law enforcement, though the number of arrests, criminal prosecutions and incarcerations under the new felonies would be small. The Administrative Office of the Courts reports that from January 1, 2017 to December 31, 2018 there were **no** criminal prosecutions and **no** incarcerations for violations of current abortion laws at KRS 311.723 - 311.787; from January 1, 2019 to December 31, 2019 there was a single charge statewide of violation of current abortion laws, for violation of KRS 311.810 (discrimination for refusal to submit to abortion). That charge was subsequently amended and disposed of on a finding of “not guilty.”

However, for those charged, when a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky’s 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky’s full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

### **Part III: Differences to Local Government Mandate Statement from Prior Versions**

Part II, above, relates to SB 9 HCS. The changes to the bill eliminate the provisions of the original bill that would have had a fiscal impact on local governments. The changes from the original bill are:

- The House Committee Substitute deletes the language at **Section 3(5)** prohibiting use of any infant born alive for scientific research or experimentation unless necessary to preserve the life and health of the infant.
- The House Committee Substitute eliminates the one of the two Class D felonies created in Section 3 of the GA version of the bill.
- The House Committee Substitute relocates the other Class D felony from Section 3 of the GA version of the bill to Section 10 of the HCS version.

**Data Source(s):** Administrative Office of the Courts, Richmond Register newspaper, Department of Corrections, LRC Staff

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